



TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application No.	10/749,354
		Filing Date	December 31, 2003
		First Named Inventor	Gregory Waimong Chan
		Art Unit	3763
		Examiner Name	Koharski, Christopher
Total Number of Pages in This Submission	21	Attorney Docket Number	5618P3473

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Return receipt postcard</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	William Thomas Babbitt, Reg. No. 39,591 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	12/2/05

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Nedy Calderon		
Signature		Date	12/2/05



Ifw

FEE TRANSMITTAL FOR PY 2005

Patent fees are subject to annual revision.

Complete if Known

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Art Unit	3763
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☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 0.00

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s) ☒ Credit any overpayments
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

1. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total Claims	50	96	0
Independent Claims	3	9	0
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	
1202	2202	Claims in excess of 20
1201	2201	Independent claims in excess of 3
1203	2203	Multiple Dependent claim, if not paid
1204	2204	**Reissue independent claims over original patent
1205	2205	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (1)		0.00

**or number previously paid, if greater, For Reissues, see below

2. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	
1051	2051	Surcharge - late filing fee or oath
1052	2052	Surcharge - late provisional filing fee or cover sheet
2053	2053	Non-English specification
1251	2251	Extension for reply within first month
1252	2252	Extension for reply within second month
1253	2253	Extension for reply within third month
1254	2254	Extension for reply within fourth month
1255	2255	Extension for reply within fifth month
1401	2401	Notice of Appeal
1402	2402	Filing a brief in support of an appeal
1403	2403	Request for oral hearing
1451	2451	Petition to institute a public use proceeding
1460	2460	Petitions to the Commissioner
1807	1807	Processing fee under 37 CFR 1.17(q)
1806	1806	Submission of Information Disclosure Stmt
1809	1809	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	2810	For each additional invention to be examined (37 CFR § 1.129(b))

Other fee (specify) _____

SUBTOTAL (2)

Fee Paid

(\$)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	William Thomas Babbitt	Registration No. (Attorney/Agent)	39,591	Telephone	(310) 207-3800
Signature	<i>William T. Babbitt</i>	Date	12/2/05		

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 12/15/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



Attorney's Docket No. 005618.P3473

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gregory Waimong Chan, et al.

Application No. 10/749,354

Filed: 12/31/2003

For: NEEDLE CATHETER

Examiner: Koharski, Christopher

Art Unit: 3763

RESPONSE TO OFFICE ACTION

Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office Action mailed November 2, 2005, the Patent Office requested a species restriction between species A (Figures 1-20 and 24-31) and species B (Figures 21 and 23). Applicants do not elect either species in response to the Office Action as Applicants believe the species requirement is in error. Specifically, Figures 21 and 23 show a cross-section and side view, respectively, of delivery cannula 42 of Figure 17. Figure 21 is a cross-section at one point along the delivery cannula just as Figures 18-20 and 22 are cross-sections at other points. The differentiation as a separate species between Figure 21 and any of Figures 18-20 and 22 is unclear. Similarly, Figure 23 shows needle 47 extending beyond opening 135 and delivery cannula 42. Applicants are unclear what makes Figure 23 a different species from, for example, Figure 17 where the needle is inside delivery cannula 42.

To the extent necessary, Applicants respectfully traverse the restriction requirement on the ground that the species identified by the Patent Office are not patentably distinct for the reasons stated above.